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REMARKS

The present response is intended to be fully responsive to all points of objection and/or rejection raised by the Examiner and is believed to place the application in condition for allowance. Favorable reconsideration and allowance of the application is respectfully requested.

Applicant asserts that the present invention is new, non-obvious and useful. Prompt consideration and allowance of the claims is respectfully requested.

Status of Claims

Claims 1-22 are pending in the application. Claims 1-13, 16 and 19 have been cancelled in this paper without prejudice to filing in a continuation or divisional application. Claims 14-22 have been rejected. Claims 14, 17, 18 and 20 have been amended in this submission. New claims 23-30 have been added. Applicant respectfully asserts that the amendments to the claims and the new claims add no new matter.

CLAIM REJECTIONS/NEW CLAIMS

35 U.S.C. § 102 Rejection/New Claims

In the Office Action, the Examiner rejected claims 14-20 and 22 under 35 U.S.C. § 102(b), as being anticipated by US Patent No. 6,240,312 to Alfano et al. (hereinafter "Alfano"). Applicant respectfully traverses this rejection in view of the remarks that follow.

Claim 14, as amended, includes, *inter alia*:

an in-vivo device including ... a normally closed magnetic MEMS switch, ... configured to change a property of the in-vivo device; and a control device located outside a patient's body, the control device including at least ... a controller to receive data produced by the in-vivo device relating to an in-vivo condition and, in response, operate the magnetic field source to operate the MEMS switch to change a property of the in-vivo device.

New claim 23 includes, *inter alia*:

at a processor external to a patient, receiving data from the in-vivo device relating to an in-vivo condition;

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controlling a magnetic field in response to the received data; and
in the in-vivo device, in response to the magnetic field, a normally closed
magnetic MEMS switch causing a change the operation of the in-vivo
device.

Alfano teaches magnetic mechanisms for causing a motion of the device, but does not include any mechanism external to the device analyzing data received from the device and, in response, controlling a magnetic field that alters the operation of the in-vivo device. The mechanisms taught by Alfano include electromagnetic systems for generating motion of the device. For example, "...types of motion mechanisms which may be usable in the remote-controllable, micro-scale device of FIG. 1 include means for generating snake-type motion, such as a multiple wheel system, and electromagnetic systems, such as a metal sensor in the device controlled by an external magnet." (Alfano, col. 5, lines 16-21).

Separately, Alfano also teaches causing a rotor in the device to rotate by applying an external, time-varied magnetic field. For example, "... an external pumped power source is a remote induction generator. As seen in FIG. 6, a modified induction motor-based electric generator can be disposed inside the device, with an external time-varied powered magnetic field used to rotate a rotor inside the device, the rotated rotor then being used to generate electric current" (Alfano, col. 5, lines 51-57). The external source does not alter the magnetic field based on in-vivo data.

Alfano therefore does not disclose or render obvious each and every feature of independent amended claim 14 or new claim 23, and therefore claims 14 and 23 are allowable over Alfano. Each of claims 15-20 and 22 and new claims 24-30 depends from one of claims 14 or 23, and is therefore likewise allowable. Claims 16 and 19 have been cancelled.

Applicant therefore requests that the Examiner withdraw the rejection of claims 14-20 and 22 under 35 U.S.C. § 102(b), as being anticipated by Alfano.

35 U.S.C. § 103 Rejection

In the Office Action, the Examiner rejected claim 21 under 35 U.S.C. § 103(a), as being unpatentable over Alfano.

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For the reasons stated above, Alfano does not disclose every feature of independent claim 14, on which claim 21 depends. Therefore, claim 21 is likewise allowable over Alfano, and Applicant requests that the Examiner withdraw the rejection of claim 21 under 35 U.S.C. § 103(a).

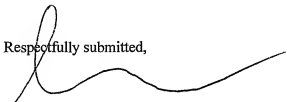
Conclusion

In view of the foregoing amendments and remarks, Applicants assert that the pending claims are allowable. Their favorable reconsideration and allowance is respectfully requested.

Should the Examiner have any question or comment as to the form, content or entry of this Amendment, the Examiner is requested to contact the undersigned at the telephone number below. Similarly, if there are any further issues yet to be resolved to advance the prosecution of this application to issue, the Examiner is requested to telephone the undersigned counsel.

No fees are believed to be due in association with this paper. However, if any fees are due, please charge any fees associated with this paper to deposit account No. 50-3355.

Respectfully submitted,



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